

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

893R0587

HOUSE EDUCATION ENGROSSED NO. **SB 121** - 2/24/2010

Introduced by: Senators Ahlers, Bartling, Garnos, and Tieszen and Representatives Thompson, Blake, Gosch, Hoffman, Hunhoff (Bernie), Peters, Sorenson, Steele, and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to require the Department of Education to promote certain
2 programs for children who are deaf and hard-of-hearing.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-33B-1 be amended to read as follows:

5 13-33B-1. The Department of Education ~~may establish~~ shall promote a program and policy
6 to be disseminated to all school districts and other local educational agencies which ~~promote~~
7 encourage the education of children who are deaf and hard-of-hearing ~~children~~ and which
8 recognizes the following:

9 (1) That deafness involves the most basic of human needs, the ability to communicate
10 with other human beings. Many children who are deaf and hard-of-hearing ~~children~~
11 use, as their primary communication mode, American sign language, while others
12 express and receive language through English-based sign language, or orally and
13 aurally, with or without visual signs or cues. Still others, typically young children
14 who are deaf and hard-of-hearing ~~children~~, lack any significant language skills. ~~Deaf~~



Children who are deaf and hard-of-hearing ~~children~~ require educational programs that provide appropriate, ongoing, and communicationally accessible educational opportunities as specified by the individualized education program team. For the purposes of this chapter, communication mode and language refer to the individual child's communication mode or language, whether oral, manual, or a combination of oral and manual. The purpose of this chapter is to promote understanding of communication needs and not to favor any one particular communication mode or language over another;

(2) That children who are deaf and hard-of-hearing ~~children~~ shall have an education in which their unique communication mode is respected, utilized, and developed to an appropriate level of proficiency as specified by the individualized education program team;

(3) That children who are deaf and hard-of-hearing ~~children~~ have an education in which special education teachers, psychologists, speech therapists, assessors, administrators, interpreters, and other personnel understand the unique nature of deafness and are specifically trained to work with children who are deaf and hard-of-hearing ~~children~~ and in which their special education teachers ~~and~~ or interpreters are proficient in the primary language mode of those children;

(4) That children who are deaf and hard-of-hearing ~~children~~ have an education with a sufficient number of language mode peers who are of the same or approximately the same age and ability level and with whom the children can communicate directly, or as appropriate through the use of qualified interpreters;

(5) That parents of children who are deaf and hard-of-hearing ~~children~~, people who are deaf and hard-of-hearing ~~people~~, teachers, and professionals trained in the area of

1 education of the deaf assist in determining the extent, content, and purpose of this
2 program;

3 (6) That children who are deaf and hard-of-hearing ~~children~~ have direct and appropriate
4 access to all components of the educational process, including recess, lunch, and
5 extracurricular social and athletic activities;

6 (7) That children who are deaf and hard-of-hearing ~~children~~ have programs in which
7 their unique vocational needs are provided for, including appropriate research,
8 curricula, programs, staff, and outreach;

9 (8) That a determination of the least restrictive environment as used in state and federal
10 law takes into consideration the unique communication needs of children who are
11 deaf and hard-of-hearing ~~children~~ as described in this chapter;

12 (9) The Department of Education shall take such steps as are necessary to implement this
13 section, including, ~~but not limited to,~~ the development of written and other materials,
14 the dissemination of ~~said~~ the information, and the provision of workshops, symposia,
15 and other procedures to insure that the local educational agencies understand and
16 implement the policy of this chapter.